IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3536 of 2007.

Rajesh Ghisusingh Marwadi Rajput ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Abhaykumar Apte, Advocate for the applicants.

Mr K. V. Saste, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 30th October,2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail under Section 439 of the Cr.P.C. in C.R. No. 456 of 2005 registered with Swargate Police Station, for the offence punishable under Sections 143, 147, 148, 302 323, 324, 504 read with Section 34 of the I.P.C.

4. The complaint was lodged on 4.6.2005. The present applicant was arrested on 18.8.2005. The applicant was released on bail vide order dated 13.2.2006, passed in Criminal Application No. 8584 of 2005. After

obtaining bail the accused-applicant avoided to attend the Court and trial. Consequently, notice of proclamation was published on 22.5.2006. Pursuant to the said proclamation, police arrested the accused - applicant on 16.3.2007.

5. Explanation furnished by the applicant for remaining absent and away from the Court did not convince the Sessions Court. In that view of the matter, the application for bail came to be rejected on 6.8.2007.

6. Learned counsel for the applicant, firstly; contended that his mother was admitted in hospital,hence he could not attend the court. In support of his submission, he relied upon certificate dated 3.7.2007 issued by one Ashwini Clinic under the signature of one Dr.More Santosh B. This certificate states that mother of the applicant was under treatment on 20.6.2007 only. The said certificate further certify that she was suffering from acute abdomen, so she requires further admission in hospital. There is nothing on record to show that whether mother of the applicant was admitted in hospital or not thereafter.

7. Learned counsel for the applicant finding it difficult to substantiate his submission, turned to one another reason to substantiate sufficient cause for his absence saying he was on business tour. On being asked, he could not establish nature of business which warranted him to remain away from trial. Needless to mention that it will be very difficult to secure the presence of the accused for trial.

8. In the above view of the matter, the present application is nothing but a frivolous application which came to be rightly rejected by learned Sessions Judge.

9. In the result, application for bail is rejected.

10. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)